

AMENDED IN SENATE AUGUST 10, 1998

AMENDED IN SENATE AUGUST 25, 1997

AMENDED IN ASSEMBLY MAY 20, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1590

Introduced by Assembly Member ~~Escutia~~ Thomson and

Senator Thompson

(Coauthors: Assembly Members Aguiar, Baca, Battin, Bordonaro, Bowler, Brewer, Brown, Bustamante, Cardenas, Cardoza, Cunneen, Davis, Escutia, Frusetta, Granlund, Honda, House, Knox, Margett, Mazzoni, Migden, Napolitano, Olberg, Oller, Ortiz, Pacheco, Prenter, Pringle, Richter, Scott, Strom-Martin, Sweeney, Vincent, Wayne, and Woods)

(Coauthor: Senator Lockyer)

March 17, 1997

~~An act to add Chapter 2.1 (commencing with Section 68650) to Title 8 of the Government Code, relating to courts. An act to amend Sections 26863, 68090.7, and 77212 of, to amend, repeal, and add Section 77201.1 of, to add Section 77201 to, and to add and repeal Section 77201.3 of, the Government Code, and to amend Section 100 of the Welfare and Institutions Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1590, as amended, ~~Escutia Thomson. Trial courts: employment court funding.~~

(1) Existing law authorizes a county to impose an additional fee on certain filings in civil actions and proceedings, as specified, to be used to defray the cost of automating the recordkeeping of the county clerk and municipal and superior courts and converting the county clerk and municipal and superior courts to a micrographics document storage system.

This bill would limit the use of these fees to trial court recordkeeping and document storage, eliminating the automating of the recordkeeping of the county clerk, and would make related changes.

(2) Existing law regulates the amounts of civil filing fees which a county must remit to the state for deposit in the Trial Court Trust Fund.

This bill would revise and recast those amounts, as specified.

(3) Existing law directs the Judicial Council to establish a request-for-proposal process to establish, maintain, or expand local court appointed special advocate programs. Existing law limits the maximum state grant per county program per year to \$20,000.

This bill would increase that amount to \$35,000 in counties in which the population is less than 700,000, and \$50,000 in other counties, as specified.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law authorizes the Judicial Council to adopt rules of court as specified by statute.~~

~~This bill would recognize unspecified rules of court adopted by the Judicial Council creating a mechanism for the negotiation of the conditions of employment between a trial court and its representatives and trial court personnel, as specified. The provisions of the bill would become operative only if AB 1110 is enacted and takes effect on or before January 1, 1998.~~

Vote: ~~majority~~ $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Chapter 2.1 (commencing with Section~~
2 *SECTION 1. Section 26863 of the Government Code*
3 *is amended to read:*

4 26863. (a) The board of supervisors of any county
5 may provide for an additional fee of one dollar (\$1) for
6 filings in a civil action or proceeding, as specified in
7 Section 68090.7, to defray the cost of automating the
8 ~~county clerk and municipal and justice trial court~~
9 recordkeeping system and conversion of the ~~county clerk~~
10 ~~and municipal and justice trial court~~ document storage
11 system to micrographics.

12 (b) The board of supervisors may increase this
13 additional fee to not more than three dollars (\$3) if it
14 expends an additional, matching amount from the county
15 general fund, equal to the revenue derived from the
16 increase, exclusively to pay the costs of automating the
17 ~~county clerk and municipal and justice trial court~~
18 recordkeeping system or converting the *trial court's*
19 document system to micrographics, or both.

20 (c) Upon completion of the automation and
21 conversion, and payment of the costs therefor, the
22 additional fee shall no longer be imposed.

23 *SEC. 2. Section 68090.7 of the Government Code is*
24 *amended to read:*

25 ~~68090.7. The board of supervisors of any county, as~~
26 ~~specified in~~ *In any county that has established a fee*
27 *pursuant to Sections 26863 and 72054, may provide for a*
28 ~~fee for~~ *the fee shall only apply to* the following filings in
29 each civil action or proceeding:

30 (a) The first paper and papers transmitted from
31 another court, as specified in Sections 26820.4 and 72055.

32 (b) The first paper on behalf of an adverse party, as
33 specified in Sections 26826 and 72056.

34 (c) A petition or other paper in a probate,
35 guardianship, or conservatorship matter as specified by
36 Section 26827.

37 The fee shall not apply to adoptions, appeals from an
38 inferior court, or motions.

Except as otherwise specified by law, all fees collected under this section shall ~~be transmitted to the county treasurer~~ deposited into the trial court operations fund of the county established pursuant to Section 77009, and an amount equal thereto shall be used exclusively to pay the costs of automating the trial court clerk and ~~municipal and justice~~ trial court recordkeeping system or converting the ~~court's~~ trial court document system to micrographics, or both.

SEC. 3. Section 77201 is added to the Government Code, to read:

77201. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) In the 1997–98 fiscal year, each county shall remit to the state in installments due on January 1, April 1, and June 30, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 42,045,093
Alpine	46,044
Amador	900,196
Butte	2,604,611
Calaveras	420,893
Colusa	309,009
Contra Costa	21,634,450
Del Norte	780,786
El Dorado	3,888,927
Fresno	13,355,025
Glenn	371,607
Humboldt	2,437,196
Imperial	2,055,173
Inyo	546,508

1	<i>Kern</i>	16,669,917
2	<i>Kings</i>	2,594,901
3	<i>Lake</i>	975,311
4	<i>Lassen</i>	517,921
5	<i>Los Angeles</i>	291,872,379
6	<i>Madera</i>	1,242,968
7	<i>Marin</i>	6,837,518
8	<i>Mariposa</i>	177,880
9	<i>Mendocino</i>	1,739,605
10	<i>Merced</i>	1,363,409
11	<i>Modoc</i>	114,249
12	<i>Mono</i>	271,021
13	<i>Monterey</i>	5,739,655
14	<i>Napa</i>	2,866,986
15	<i>Nevada</i>	815,130
16	<i>Orange</i>	76,567,372
17	<i>Placer</i>	6,450,175
18	<i>Plumas</i>	413,368
19	<i>Riverside</i>	32,524,412
20	<i>Sacramento</i>	40,692,954
21	<i>San Benito</i>	460,552
22	<i>San Bernardino</i>	31,516,134
23	<i>San Diego</i>	77,637,904
24	<i>San Francisco</i>	31,142,353
25	<i>San Joaquin</i>	9,102,834
26	<i>San Luis Obispo</i>	6,840,067
27	<i>San Mateo</i>	20,383,643
28	<i>Santa Barbara</i>	10,604,431
29	<i>Santa Clara</i>	49,876,177
30	<i>Santa Cruz</i>	6,449,104
31	<i>Shasta</i>	3,369,017
32	<i>Sierra</i>	40,477
33	<i>Siskiyou</i>	478,144
34	<i>Solano</i>	10,780,179
35	<i>Sonoma</i>	9,273,174
36	<i>Stanislaus</i>	8,320,727
37	<i>Sutter</i>	1,718,287
38	<i>Tehama</i>	1,352,370
39	<i>Trinity</i>	620,990



1	<i>Tulare</i>	6,981,681
2	<i>Tuolumne</i>	1,080,723
3	<i>Ventura</i>	16,721,157
4	<i>Yolo</i>	2,564,985
5	<i>Yuba</i>	842,240

6
7 (2) *Except as otherwise specifically provided in this*
8 *section, each county shall also remit to the state the*
9 *amount listed below which is based on an amount of fine*
10 *and forfeiture revenue remitted to the state pursuant to*
11 *Sections 27361 and 76000 of this code, Sections 1463.001*
12 *and 1464 of the Penal Code, and Sections 42007, 42007.1,*
13 *and 42008 of the Vehicle Code during the 1994–95 fiscal*
14 *year:*

15		
16	<i>Jurisdiction</i>	<i>Amount</i>
17	<i>Alameda</i>	\$12,769,882
18	<i>Alpine</i>	58,757
19	<i>Amador</i>	377,005
20	<i>Butte</i>	1,437,671
21	<i>Calaveras</i>	418,558
22	<i>Colusa</i>	485,040
23	<i>Contra Costa</i>	5,646,329
24	<i>Del Norte</i>	727,852
25	<i>El Dorado</i>	1,217,093
26	<i>Fresno</i>	4,505,786
27	<i>Glenn</i>	455,389
28	<i>Humboldt</i>	1,161,745
29	<i>Imperial</i>	1,350,760
30	<i>Inyo</i>	878,321
31	<i>Kern</i>	6,688,247
32	<i>Kings</i>	1,115,601
33	<i>Lake</i>	424,070
34	<i>Lassen</i>	513,445
35	<i>Los Angeles</i>	89,771,310
36	<i>Madera</i>	1,207,998
37	<i>Marin</i>	2,700,045
38	<i>Mariposa</i>	135,457
39	<i>Mendocino</i>	948,837
40	<i>Merced</i>	2,093,355

1	<i>Modoc</i>	122,156
2	<i>Mono</i>	415,136
3	<i>Monterey</i>	3,855,457
4	<i>Napa</i>	874,219
5	<i>Nevada</i>	1,378,796
6	<i>Orange</i>	24,830,542
7	<i>Placer</i>	2,182,230
8	<i>Plumas</i>	225,080
9	<i>Riverside</i>	13,328,445
10	<i>Sacramento</i>	7,548,829
11	<i>San Benito</i>	346,451
12	<i>San Bernardino</i>	11,694,120
13	<i>San Diego</i>	21,410,586
14	<i>San Francisco</i>	5,925,950
15	<i>San Joaquin</i>	4,753,688
16	<i>San Luis Obispo</i>	2,573,968
17	<i>San Mateo</i>	7,124,638
18	<i>Santa Barbara</i>	4,094,288
19	<i>Santa Clara</i>	15,561,983
20	<i>Santa Cruz</i>	2,267,327
21	<i>Shasta</i>	1,198,773
22	<i>Sierra</i>	46,778
23	<i>Siskiyou</i>	801,329
24	<i>Solano</i>	3,757,059
25	<i>Sonoma</i>	2,851,883
26	<i>Stanislaus</i>	2,669,045
27	<i>Sutter</i>	802,574
28	<i>Tehama</i>	761,188
29	<i>Trinity</i>	137,087
30	<i>Tulare</i>	2,299,167
31	<i>Tuolumne</i>	440,496
32	<i>Ventura</i>	6,129,411
33	<i>Yolo</i>	1,516,065
34	<i>Yuba</i>	402,077

35
36 (3) *The installment due on January 1 shall be for 25*
37 *percent of the amounts specified in paragraphs (1) and*
38 *(2). The installments due on April 1 and June 30 shall be*
39 *prorated uniformly to reflect any adjustments made by*
40 *the Department of Finance, as provided in this section.*

1 *If no adjustment is made by April 1, 1998, the April 1, 1998,*
2 *installment shall be for 15 percent of the amounts*
3 *specified in paragraphs (1) and (2). If no adjustment is*
4 *made by June 30, 1998, the June 30, 1998, installment shall*
5 *be for the balance of the amounts specified in paragraphs*
6 *(1) and (2).*

7 *(4) Except as otherwise specifically provided in this*
8 *section, county remittances specified in paragraphs (1)*
9 *and (2) shall not be increased in subsequent years.*

10 *(5) Any change in statute or rule of court that either*
11 *reduces the bail schedule or redirects or reduces a*
12 *county's portion of fee, fine, and forfeiture revenue to an*
13 *amount that is less than (A) the fees, fines, and forfeitures*
14 *retained by that county and (B) the county's portion of*
15 *finer and forfeitures transmitted to the state in the*
16 *1994–95 fiscal year, shall reduce that county's remittance*
17 *specified in paragraph (2) of this subdivision by an equal*
18 *amount. Nothing in this paragraph is intended to limit*
19 *judicial sentencing discretion.*

20 *(c) The Department of Finance shall adjust the*
21 *amount specified in paragraph (1) of subdivision (b) that*
22 *a county is required to submit to the state, pursuant to the*
23 *following:*

24 *(1) A county shall submit a declaration to the*
25 *Department of Finance, no later than February 15, 1998,*
26 *that the amount it is required to submit to the state*
27 *pursuant to paragraph (1) of subdivision (b) either*
28 *includes or does not include the costs for local judicial*
29 *benefits which are court operation costs as defined in*
30 *Section 77003 and Rule 810 of the California Rules of*
31 *Court. The trial courts in a county that submits such a*
32 *declaration shall be given a copy of the declaration and*
33 *the opportunity to comment on the validity of the*
34 *statements in the declaration. The Department of*
35 *Finance shall verify the facts in the county's declaration*
36 *and comments, if any. Upon verification that the amount*
37 *the county is required to submit to the state includes the*
38 *costs of local judicial benefits, the department shall*
39 *reduce on or before June 30, 1998, the amount the county*
40 *is required to submit to the state pursuant to paragraph*

1 *(1) of subdivision (b) by an amount equal to the cost of*
2 *those judicial benefits, in which case the county shall*
3 *continue to be responsible for the cost of those benefits.*
4 *If a county disagrees with the Department of Finance's*
5 *failure to verify the facts in the county's declaration and*
6 *reduce the amount the county is required to submit to the*
7 *state pursuant to paragraph (1) of subdivision (b), the*
8 *county may request that the Controller conduct an audit*
9 *to verify the facts in the county's declaration. The*
10 *Controller shall conduct the requested audit which shall*
11 *be at the requesting county's expense. If the Controller's*
12 *audit verifies the facts in the county's declaration, the*
13 *department shall reduce the amount the county is*
14 *required to submit to the state pursuant to paragraph (1)*
15 *of subdivision (b) by an amount equal to the amount*
16 *verified by the Controller's audit and the state shall*
17 *reimburse the requesting county for the cost of the audit.*

18 *(d) The Department of Finance shall adjust the*
19 *amount specified in paragraph (1) of subdivision (b) of*
20 *Section 77201.1 that a county is required to submit to the*
21 *state, pursuant to the following procedures:*

22 *(1) A county may submit a declaration to the*
23 *Department of Finance, no later than February 15, 1998,*
24 *that declares that (A) the county incorrectly reported*
25 *county costs as court operations costs as defined in Section*
26 *77003 in the 1994–95 fiscal year, and that incorrect report*
27 *resulted in the amount the county is required to submit*
28 *to the state pursuant to paragraph (1) of subdivision (b)*
29 *being too high, (B) the amount the county is required to*
30 *submit to the state pursuant to paragraph (1) of*
31 *subdivision (b) includes amounts that were specifically*
32 *appropriated, funded, and expended by a county or city*
33 *and county during the 1994–95 fiscal year to fund*
34 *extraordinary one-time expenditures for court operation*
35 *costs, or (C) the amount the county is required to submit*
36 *to the state pursuant to paragraph (1) of subdivision (b)*
37 *includes expenses that were funded from grants or*
38 *subventions from any source, for court operation costs*
39 *that could not have been funded without those grants or*
40 *subventions being available. A county submitting that*

1 declaration shall concurrently transmit a copy of the
2 declaration to the trial courts of that county. The trial
3 courts in a county that submits that declaration shall have
4 the opportunity to comment to the Department of
5 Finance on the validity of the statements in the
6 declaration. Upon receipt of the declaration and
7 comments, if any, the Department of Finance shall
8 determine and certify which costs identified in the
9 county's declaration were incorrectly reported as court
10 operation costs or were expended for extraordinary
11 one-time expenditures or funded from grants or
12 subventions in the 1994–95 fiscal year. The Department
13 of Finance shall reduce the amount a county must submit
14 to the state pursuant to paragraph (1) of subdivision (b)
15 of Section 77201.1 by an amount equal to the amount the
16 department certifies was incorrectly reported as court
17 operations costs or were expended for extraordinary
18 one-time expense or funded from grants or subventions
19 in the 1994–95 fiscal year. If a county disagrees with the
20 Department of Finance's failure to verify the facts in the
21 county's declaration and reduce the amount the county
22 is required to submit to the state pursuant to paragraph
23 (1) of subdivision (b) of Section 77201.1, the county may
24 request that the Controller conduct an audit to verify the
25 facts in the county's declaration. The Controller shall
26 conduct the requested audit, which shall be at the
27 requesting county's expense. If the Controller's audit
28 verifies the facts in the county's declaration, the
29 department shall reduce the amount the county is
30 required to submit to the state pursuant to paragraph (1)
31 of subdivision (b) of Section 77201.1 by an amount equal
32 to the amount verified by the Controller's audit and the
33 state shall reimburse the requesting county for the cost of
34 the audit. A county shall provide, at no charge to the
35 court, any service for which the amount in paragraph (1)
36 of subdivision (b) of Section 77201.1 was adjusted
37 downward, if the county is required to provide that
38 service at no cost to the court by any other provision of
39 law.

1 (2) A court may submit a declaration to the
2 Department of Finance, no later than February 15, 1998,
3 that the county failed to report county costs as court
4 operations costs as defined in Section 77003 in the 1994–95
5 fiscal year, and that this failure resulted in the amount the
6 county is required to submit to the state pursuant to
7 paragraph (1) of subdivision (b) being too low. A court
8 submitting that declaration shall concurrently transmit a
9 copy of the declaration to the county. A county shall have
10 the opportunity to comment to the Department of
11 Finance on the validity of statements in the declaration
12 and comments, if any. Upon receipt of the declaration,
13 the Department of Finance shall determine and certify
14 which costs identified in the court's declaration should
15 have been reported by the county as court operation costs
16 in the 1994–95 fiscal year and whether this failure resulted
17 in the amount the county is required to submit to the state
18 pursuant to paragraph (1) of subdivision (b) being too
19 low. The Department of Finance shall notify the county,
20 the trial courts in the county, and the Judicial Council of
21 its certification and decision. Within 30 days, the county
22 shall either notify the Department of Finance, trial courts
23 in the county, and the Judicial Council that the county
24 shall assume responsibility for the costs the county has
25 failed to report, or that the department shall increase the
26 amount the county is required to submit to the state
27 pursuant to paragraph (1) of subdivision (b) of Section
28 77201.1 by an amount equal to the amount certified by the
29 department. A county shall not be required to continue
30 to provide services for which the amount in paragraph
31 (1) of subdivision (b) of Section 77201.1 was adjusted
32 upward.

33 (e) The Legislature hereby finds and declares that to
34 ensure an orderly transition to state trial court funding,
35 it is necessary to delay the adjustments to county
36 obligation payments provided for by Article 3
37 (commencing with Section 77200) of Chapter 13 of Title
38 8, as added by Chapter 850 of the Statutes of 1997, until
39 the 1998–99 fiscal year. The Legislature also finds and
40 declares that since increase adjustments to the county

1 obligation amounts will not take effect in the 1997–98
2 fiscal year; county charges for those services related to the
3 increase adjustments shall not occur in the 1997–98 fiscal
4 year. It is recognized that the counties have an obligation
5 to provide, and the trial courts have an obligation to pay,
6 for services provided by the county pursuant to Section
7 77212. In the 1997–98 fiscal year, the counties shall charge
8 for, and the courts shall pay, these obligations consistent
9 with paragraphs (1) and (2) of this subdivision.

10 (1) For the 1997–98 fiscal year, a county shall reduce
11 the charges to a court for those services for which the
12 amount in paragraph (1) of subdivision (b) of Section
13 77201.1 is adjusted upward, by an amount equal to the
14 lesser of the following:

15 (A) The amount of the increase adjustment certified
16 by the department pursuant to paragraph (2) of
17 subdivision (d).

18 (B) The difference between the actual amount
19 charged and paid for from the trial court operations fund,
20 and the amount charged in the 1994–95 fiscal year.

21 (2) For the 1997–98 fiscal year, any funds paid out of
22 the trial court operations fund established pursuant to
23 Section 77009 during the 1997–98 fiscal year to pay for
24 those services for which there was an upward adjustment,
25 shall be returned to the trial court operations fund in the
26 amount equal to the lesser of the following:

27 (A) The amount of the increase adjustment certified
28 by the department pursuant to paragraph (2) of
29 subdivision (d).

30 (B) The difference between the actual amount
31 charged and paid for from the trial court operations fund,
32 and the amount charged in the 1994–95 fiscal year.

33 (3) The Judicial Council shall reduce the allocation to
34 the courts by an amount equal to the amount of any
35 increase adjustment certified by the Department of
36 Finance, if the cost of those services was used in
37 determining the Judicial Council's allocation of funding
38 for the 1997–98 fiscal year.

39 (4) In the event the charges are not reduced as
40 provided in paragraph (1) or the funds are not returned

1 to the trial court operations fund as provided in
2 paragraph (2), the trial court operations fund shall be
3 refunded for the 1998–99 fiscal year. Funds provided to
4 the trial court operations fund pursuant to this paragraph
5 shall be available to the trial courts to meet financial
6 obligations incurred during the 1997–98 fiscal year. To the
7 extent that a trial court receives total resources for trial
8 court funding from the county and the state for the
9 1997–98 fiscal year that exceeded the amount of the
10 allocation approved by the Judicial Council by November
11 30, 1997, these amounts shall be available for expenditure
12 in the 1998–99 fiscal year and the Judicial Council shall
13 reduce the 1998–99 fiscal year allocation of the court by
14 an equal amount.

15 (f) Nothing in this section is intended to relieve a
16 county of the responsibility to provide necessary and
17 suitable court facilities pursuant to Section 68073.

18 (g) Nothing in this section is intended to relieve a
19 county of the responsibility for justice-related expenses
20 not included in Section 77003 which are otherwise
21 required of the county by law, including, but not limited
22 to, indigent defense representation and investigation,
23 and payment of youth authority charges.

24 (h) The Department of Finance shall notify the
25 county, trial courts in the county, and Judicial Council of
26 the final decision and resulting adjustment.

27 (i) On or before February 15, 1998, each county shall
28 submit to the Department of Finance a report of the
29 amount it expended for trial court operations as defined
30 in Section 77003 and Rule 810 of the California Rules of
31 Court as it read on July 1, 1996, between the start of the
32 1997–98 fiscal year and the effective date of this section.
33 The department shall reduce the amount a county is
34 required to remit to the state pursuant to paragraph (1)
35 of subdivision (b) in the 1997–98 fiscal year by an amount
36 equal to the amount a county expended for court
37 operation costs between the start of the 1997–98 fiscal
38 year and the effective date of this section. The
39 department shall also reduce the amount a county is
40 required to remit to the state pursuant to paragraph (2)

1 of subdivision (b) in the 1997–98 fiscal year by an amount
 2 equal to the amount of fine and forfeiture revenue that
 3 a county remitted to the state between the start of the
 4 1997–98 fiscal year and the effective date of this section.
 5 The department shall notify the county, the trial courts
 6 of the county, and the Judicial Council of the amount it
 7 has reduced a county's obligation to remit to the state
 8 pursuant to this subdivision.

9 SEC. 4. Section 77201.1 of the Government Code is
 10 amended to read:

11 77201.1. (a) Commencing on July 1, 1997, no county
 12 shall be responsible for funding court operations, as
 13 defined in Section 77003 and Rule 810 of the California
 14 Rules of Court as it read on July 1, 1996.

15 (b) Commencing in the 1998–99 fiscal year, and each
 16 fiscal year thereafter, each county shall remit to the state
 17 in four equal installments due on October 1, January 1,
 18 April 1, and July 1, the amounts specified in paragraphs
 19 (1) and (2), as follows:

20 (1) Except as otherwise specifically provided in this
 21 section, each county shall remit to the state the amount
 22 listed below which is based on an amount expended by
 23 the respective county for court operations during the
 24 1994–95 fiscal year:

Jurisdiction	Amount
26 Alameda	\$ 29,554,276
27 Alpine	—
28 Amador	—
29 Butte	2,188,561
30 Calaveras	—
31 Colusa	—
32 Contra Costa	14,553,828
33 Del Norte	—
34 El Dorado	2,642,828
35 Fresno	11,220,322
36 Glenn	—
37 Humboldt	2,023,135
38 Imperial	1,855,173
39 Inyo	—
40	

1	Kern	12,237,358
2	Kings	1,981,326
3	Lake	—
4	Lassen	—
5	Los Angeles	200,596,408
6	Madera	1,042,967
7	Marin	4,727,855
8	Mariposa	—
9	Mendocino	1,539,605
10	Merced	1,163,409
11	Modoc	—
12	Mono	—
13	Monterey	5,539,656
14	Napa	2,131,045
15	Nevada	615,130
16	Orange	52,341,395
17	Placer	3,928,394
18	Plumas	—
19	Riverside	21,226,163
20	Sacramento	25,798,064
21	San Benito	—
22	San Bernardino	22,536,554
23	San Diego	50,764,874
24	San Francisco	20,731,433
25	San Joaquin	7,129,952
26	San Luis Obispo	4,447,550
27	San Mateo	13,179,481
28	Santa Barbara	7,516,435
29	Santa Clara	32,910,617
30	Santa Cruz	4,634,736
31	Shasta	2,750,564
32	Sierra	—
33	Siskiyou	—
34	Solano	6,975,509
35	Sonoma	6,724,289
36	Stanislaus	5,872,184
37	Sutter	1,388,808
38	Tehama	—
39	Trinity	—



1	Tulare	5,252,388
2	Tuolumne	—
3	Ventura	11,392,454
4	Yolo	2,364,984
5	Yuba	—

6
 7 (2) Except as otherwise specifically provided in this
 8 section, each county shall also remit to the state the
 9 amount listed below which is based on an amount of fine
 10 and forfeiture revenue remitted to the state pursuant to
 11 Sections 27361 and 76000 of this code, Sections 1463.001,
 12 1463.07, and 1464 of the Penal Code, and Sections 42007,
 13 42007.1, and 42008 of the Vehicle Code during the 1994–95
 14 fiscal year:

15		
16	Jurisdiction	Amount
17	Alameda	\$ 9,912,156
18	Alpine	58,757
19	Amador	265,707
20	Butte	1,217,052
21	Calaveras	310,331
22	Colusa	397,468
23	Contra Costa	4,168,194
24	Del Norte	553,730
25	El Dorado	1,028,349
26	Fresno	3,695,633
27	Glenn	360,974
28	Humboldt	1,025,583
29	Imperial	1,144,661
30	Inyo	614,920
31	Kern	5,530,972
32	Kings	982,208
33	Lake	375,570
34	Lassen	430,163
35	Los Angeles	71,002,129
36	Madera	1,042,797
37	Marin	2,111,712
38	Mariposa	135,457
39	Mendocino	755,680
40		717,075

1	Merced	1,733,156
2	Modoc	104,729
3	Mono	415,136
4	Monterey	3,330,125
5	Napa	721,437
6		719,168
7	Nevada	1,220,686
8	Orange	19,572,810
9	Placer	1,243,754
10	Plumas	193,772
11	Riverside	7,681,744
12	Sacramento	6,440,273
13		5,937,204
14	San Benito	302,324
15	San Bernardino	9,092,380
16	San Diego	16,166,735
17	San Francisco	4,046,107
18	San Joaquin	3,562,835
19	San Luis Obispo	2,036,515
20	San Mateo	4,831,497
21	Santa Barbara	3,277,610
22	Santa Clara	11,597,583
23	Santa Cruz	1,902,096
24	Shasta	1,044,700
25	Sierra	42,533
26	Siskiyou	615,581
27	Solano	3,011,833
28		2,708,758
29	Sonoma	2,316,999
30	Stanislaus	1,855,169
31	Sutter	678,681
32	Tehama	640,303
33	Trinity	137,087
34	Tulare	1,840,422
35	Tuolumne	361,665
36	Ventura	4,575,349



1	Yolo	1,158,629
2		880,798
3	Yuba	318,242
4		289,325

5

6 (3) Except as otherwise specifically provided in this
7 section, county remittances specified in paragraphs (1)
8 and (2) shall not be increased in subsequent years.

9 (4) ~~The~~ *Except for those counties with a population of*
10 *70,000 or less on January 1, 1996, the amount a county is*
11 *required to remit pursuant to paragraph (1) shall be*
12 *adjusted by the amount equal to any adjustment resulting*
13 *from the procedures in subdivision subdivisions (c) and*
14 *(d) of Section 77201 as it read on June 29 30, 1998.*

15 (5) Any change in statute or rule of court that either
16 reduces the bail schedule or redirects or reduces a
17 county's portion of fee, fine, and forfeiture revenue to an
18 amount that is less than (A) the fees, fines, and forfeitures
19 retained by that county and (B) the county's portion of
20 fines and forfeitures transmitted to the state in the
21 1994-95 fiscal year, shall reduce that county's remittance
22 specified in paragraph (2) of this subdivision by an equal
23 amount. Nothing in this paragraph is intended to limit
24 judicial sentencing discretion.

25 (c) Nothing in this section is intended to relieve a
26 county of the responsibility to provide necessary and
27 suitable court facilities pursuant to Section 68073.

28 (d) Nothing in this section is intended to relieve a
29 county of the responsibility for justice-related expenses
30 not included in Section 77003 which are otherwise
31 required of the county by law, including, but not limited
32 to, indigent defense representation and investigation,
33 and payment of youth authority charges.

34 (e) County base-year remittance requirements
35 specified in paragraph (2) of subdivision (b) incorporate
36 specific reductions to reflect those instances where the
37 Department of Finance has determined that a county's
38 remittance to both the General Fund and the Trial Court
39 Trust Fund during the 1994-95 fiscal year exceeded the
40 aggregate amount of state funding from the General

1 Fund and the Trial Court Trust Fund. The amount of the
2 reduction was determined by calculating the difference
3 between the amount the county remitted to the General
4 Fund and the Trial Court Trust Fund and the aggregate
5 amount of state support from the General Fund and the
6 Trial Court Trust Fund allocated to the county's trial
7 courts. In making its determination of whether a county
8 is entitled to a reduction pursuant to that paragraph, the
9 Department of Finance subtracted from county revenues
10 remitted to the state, all moneys derived from the fee
11 required by Section 42007.1 of the Vehicle Code and the
12 parking surcharge required by subdivision (c) of Section
13 76000.

14 (f) Notwithstanding subdivision (e), the Department
15 of Finance shall not reduce a county's base-year
16 remittance requirement, as specified in paragraph (2) of
17 subdivision (b), if the county's trial court funding
18 allocation was modified pursuant to the amendments to
19 the allocation formula set forth in paragraph (4) of
20 subdivision (d) of Section 77200, as amended by Chapter
21 2 of the Statutes of 1993, to provide a stable level of
22 funding for small county courts in response to reductions
23 in the State General Fund support for the trial courts.

24 (g) *In any fiscal year in which a county of the first class*
25 *pays the employer-paid retirement contribution for court*
26 *employees, or any other employees of the county who*
27 *provide a service to the court, and the amounts of those*
28 *payments are charged to the budget of the courts, the*
29 *sum the county is required to pay to the state pursuant to*
30 *subdivision (h) shall be increased by actual amount*
31 *charged to the trial court, not to exceed twenty-three*
32 *million five hundred twenty-seven thousand nine*
33 *hundred forty-nine dollars (\$23,527,949), in that fiscal*
34 *year. The county and the trial court shall report to the*
35 *Controller and the Department of Finance the actual*
36 *amount charged in that fiscal year.*

37 (h) *The following amounts incorporate adjustments*
38 *pursuant to paragraph (4) of subdivision (b) to the*
39 *amounts specified in paragraph (1) of subdivision (b):*
40

	<i>Jurisdiction</i>	<i>Amount</i>
1	<i>Alameda</i>	\$ 25,011,006
2	<i>Alpine</i>	—
3	<i>Amador</i>	—
4	<i>Butte</i>	2,185,622
5	<i>Calaveras</i>	—
6	<i>Colusa</i>	—
7	<i>Contra Costa</i>	13,305,039
8	<i>Del Norte</i>	—
9	<i>El Dorado</i>	2,459,385
10	<i>Fresno</i>	12,469,755
11	<i>Glenn</i>	—
12	<i>Humboldt</i>	1,801,779
13	<i>Imperial</i>	1,841,871
14	<i>Inyo</i>	—
15	<i>Kern</i>	10,260,568
16	<i>Kings</i>	1,639,301
17	<i>Lake</i>	—
18	<i>Lassen</i>	—
19	<i>Los Angeles</i>	194,811,830
20	<i>Madera</i>	1,136,442
21	<i>Marin</i>	4,844,248
22	<i>Mariposa</i>	—
23	<i>Mendocino</i>	1,560,187
24	<i>Merced</i>	2,469,876
25	<i>Modoc</i>	—
26	<i>Mono</i>	—
27	<i>Monterey</i>	5,023,234
28	<i>Napa</i>	2,384,362
29	<i>Nevada</i>	615,130
30	<i>Orange</i>	43,162,225
31	<i>Placer</i>	1,810,526
32	<i>Plumas</i>	—
33	<i>Riverside</i>	19,841,379
34	<i>Sacramento</i>	23,036,960
35	<i>San Benito</i>	—
36	<i>San Bernardino</i>	22,474,558
37	<i>San Diego</i>	48,328,813
38	<i>San Francisco</i>	21,439,225
39		

1	<i>San Joaquin</i>	7,270,076
2	<i>San Luis Obispo</i>	4,509,185
3	<i>San Mateo</i>	13,534,532
4	<i>Santa Barbara</i>	7,516,435
5	<i>Santa Clara</i>	31,877,167
6	<i>Santa Cruz</i>	4,392,880
7	<i>Shasta</i>	2,254,893
8	<i>Sierra</i>	—
9	<i>Siskiyou</i>	—
10	<i>Solano</i>	6,936,290
11	<i>Sonoma</i>	6,847,184
12	<i>Stanislaus</i>	3,895,885
13	<i>Sutter</i>	416,865
14	<i>Tehama</i>	—
15	<i>Trinity</i>	—
16	<i>Tulare</i>	5,112,765
17	<i>Tuolumne</i>	—
18	<i>Ventura</i>	10,815,767
19	<i>Yolo</i>	2,364,984
20	<i>Yuba</i>	—

21

22 (i) This section shall become operative on July 1, 1998,
23 and shall be repealed on July 1, 1999.

24 SEC. 5. Section 77201.1 is added to the Government
25 Code, to read:

26 77201.1. (a) Commencing on July 1, 1997, no county
27 shall be responsible for funding court operations, as
28 defined in Section 77003 and Rule 810 of the California
29 Rules of Court as it read on July 1, 1996.

30 (b) Commencing in the 1999–2000 fiscal year, and
31 each fiscal year thereafter, each county shall remit to the
32 state in four equal installments due on October 1, January
33 1, April 1, and July 1, the amounts specified in paragraphs
34 (1) and (2), as follows:

35 (1) Except as otherwise specifically provided in this
36 section, each county shall remit to the state the amount
37 listed below which is based on an amount expended by
38 the respective county for court operations during the
39 1994–95 fiscal year:



	<i>Jurisdiction</i>	<i>Amount</i>
1	<i>Alameda</i>	\$ 22,509,905
2	<i>Alpine</i>	—
3	<i>Amador</i>	—
4	<i>Butte</i>	—
5	<i>Calaveras</i>	—
6	<i>Colusa</i>	—
7	<i>Contra Costa</i>	11,974,535
8	<i>Del Norte</i>	—
9	<i>El Dorado</i>	—
10	<i>Fresno</i>	11,222,780
11	<i>Glenn</i>	—
12	<i>Humboldt</i>	—
13	<i>Imperial</i>	—
14	<i>Inyo</i>	—
15	<i>Kern</i>	9,234,511
16	<i>Kings</i>	—
17	<i>Lake</i>	—
18	<i>Lassen</i>	—
19	<i>Los Angeles</i>	175,330,647
20	<i>Madera</i>	—
21	<i>Marin</i>	—
22	<i>Mariposa</i>	—
23	<i>Mendocino</i>	—
24	<i>Merced</i>	—
25	<i>Modoc</i>	—
26	<i>Mono</i>	—
27	<i>Monterey</i>	4,520,911
28	<i>Napa</i>	—
29	<i>Nevada</i>	—
30	<i>Orange</i>	38,846,003
31	<i>Placer</i>	—
32	<i>Plumas</i>	—
33	<i>Riverside</i>	17,857,241
34	<i>Sacramento</i>	20,733,264
35	<i>San Benito</i>	—
36	<i>San Bernardino</i>	20,227,102
37	<i>San Diego</i>	43,495,932
38	<i>San Francisco</i>	19,295,303
39		

1	<i>San Joaquin</i>	6,543,068
2	<i>San Luis Obispo</i>	—
3	<i>San Mateo</i>	12,181,079
4	<i>Santa Barbara</i>	6,764,792
5	<i>Santa Clara</i>	28,689,450
6	<i>Santa Cruz</i>	—
7	<i>Shasta</i>	—
8	<i>Sierra</i>	—
9	<i>Siskiyou</i>	—
10	<i>Solano</i>	6,242,661
11	<i>Sonoma</i>	6,162,466
12	<i>Stanislaus</i>	3,506,297
13	<i>Sutter</i>	—
14	<i>Tehama</i>	—
15	<i>Trinity</i>	—
16	<i>Tulare</i>	4,601,489
17	<i>Tuolumne</i>	—
18	<i>Ventura</i>	9,734,190
19	<i>Yolo</i>	—
20	<i>Yuba</i>	—

21
22 *(2) Except as otherwise specifically provided in this*
23 *section, each county shall also remit to the state the*
24 *amount listed below which is based on an amount of fine*
25 *and forfeiture revenue remitted to the state pursuant to*
26 *Sections 27361 and 76000 of this code, Sections 1463.001,*
27 *1463.07, and 1464 of the Penal Code, and Sections 42007,*
28 *42007.1, and 42008 of the Vehicle Code during the 1994–95*
29 *fiscal year:*

30		
31	<i>Jurisdiction</i>	<i>Amount</i>
32	<i>Alameda</i>	\$ 9,912,156
33	<i>Alpine</i>	58,757
34	<i>Amador</i>	265,707
35	<i>Butte</i>	1,217,052
36	<i>Calaveras</i>	310,331
37	<i>Colusa</i>	397,468
38	<i>Contra Costa</i>	4,168,194
39	<i>Del Norte</i>	553,730
40	<i>El Dorado</i>	1,028,349

1	<i>Fresno</i>	3,695,633
2	<i>Glenn</i>	360,974
3	<i>Humboldt</i>	1,025,583
4	<i>Imperial</i>	1,144,661
5	<i>Inyo</i>	614,920
6	<i>Kern</i>	5,530,972
7	<i>Kings</i>	982,208
8	<i>Lake</i>	375,570
9	<i>Lassen</i>	430,163
10	<i>Los Angeles</i>	71,002,129
11	<i>Madera</i>	1,042,797
12	<i>Marin</i>	2,111,712
13	<i>Mariposa</i>	135,457
14	<i>Mendocino</i>	717,075
15	<i>Merced</i>	1,733,156
16	<i>Modoc</i>	104,729
17	<i>Mono</i>	415,136
18	<i>Monterey</i>	3,330,125
19	<i>Napa</i>	719,168
20	<i>Nevada</i>	1,220,686
21	<i>Orange</i>	19,572,810
22	<i>Placer</i>	1,243,754
23	<i>Plumas</i>	193,772
24	<i>Riverside</i>	7,681,744
25	<i>Sacramento</i>	5,937,204
26	<i>San Benito</i>	302,324
27	<i>San Bernardino</i>	9,092,380
28	<i>San Diego</i>	16,166,735
29	<i>San Francisco</i>	4,046,107
30	<i>San Joaquin</i>	3,562,835
31	<i>San Luis Obispo</i>	2,036,515
32	<i>San Mateo</i>	4,831,497
33	<i>Santa Barbara</i>	3,277,610
34	<i>Santa Clara</i>	11,597,583
35	<i>Santa Cruz</i>	1,902,096
36	<i>Shasta</i>	1,044,700
37	<i>Sierra</i>	42,533
38	<i>Siskiyou</i>	615,581
39	<i>Solano</i>	2,708,758

1	<i>Sonoma</i>	2,316,999
2	<i>Stanislaus</i>	1,855,169
3	<i>Sutter</i>	678,681
4	<i>Tehama</i>	640,303
5	<i>Trinity</i>	137,087
6	<i>Tulare</i>	1,840,422
7	<i>Tuolumne</i>	361,665
8	<i>Ventura</i>	4,575,349
9	<i>Yolo</i>	880,798
10	<i>Yuba</i>	289,325

11
12 (3) *Except as otherwise specifically provided in this*
13 *section, county remittances specified in paragraphs (1)*
14 *and (2) shall not be increased in subsequent years.*

15 (4) *Except for those counties with a population of*
16 *70,000, or less, on January 1, 1996, the amount a county is*
17 *required to remit pursuant to paragraph (1) shall be*
18 *adjusted by the amount equal to any adjustment resulting*
19 *from the procedures in subdivisions (c) and (d) of*
20 *Section 77201 as that section read on June 30, 1998, to the*
21 *extent a county filed an appeal with the Controller with*
22 *respect to the findings made by the Department of*
23 *Finance. This paragraph shall not be construed to*
24 *establish a new appeal process beyond what was provided*
25 *by Section 77201, as that section read on June 30, 1998.*

26 (5) *Any change in statute or rule of court that either*
27 *reduces the bail schedule or redirects or reduces a*
28 *county's portion of fee, fine, and forfeiture revenue to an*
29 *amount that is less than (A) the fees, fines, and forfeitures*
30 *retained by that county, and (B) the county's portion of*
31 *fines and forfeitures transmitted to the state in the*
32 *1994–95 fiscal year, shall reduce that county's remittance*
33 *specified in paragraph (2) of this subdivision by an equal*
34 *amount. Nothing in this paragraph is intended to limit*
35 *judicial sentencing discretion.*

36 (c) *Nothing in this section is intended to relieve a*
37 *county of the responsibility to provide necessary and*
38 *suitable court facilities pursuant to Section 68073.*

39 (d) *Nothing in this section is intended to relieve a*
40 *county of the responsibility for justice-related expenses*

1 not included in Section 77003 which are otherwise
2 required of the county by law, including, but not limited
3 to, indigent defense representation and investigation,
4 and payment of youth authority charges.

5 (e) County base year remittance requirements
6 specified in paragraph (2) of subdivision (b) incorporate
7 specific reductions to reflect those instances where the
8 Department of Finance has determined that a county's
9 remittance to both the General Fund and the Trial Court
10 Trust Fund during the 1994–95 fiscal year exceeded the
11 aggregate amount of state funding from the General
12 Fund and the Trial Court Trust Fund. The amount of the
13 reduction was determined by calculating the difference
14 between the amount the county remitted to the General
15 Fund and the Trial Court Trust Fund and the aggregate
16 amount of state support from the General Fund and the
17 Trial Court Trust Fund allocated to the county's trial
18 courts. In making its determination of whether a county
19 is entitled to a reduction pursuant to that paragraph, the
20 Department of Finance subtracted from county revenues
21 remitted to the state, all moneys derived from the fee
22 required by Section 42007.1 of the Vehicle Code and the
23 parking surcharge required by subdivision (c) of Section
24 76000.

25 (f) Notwithstanding subdivision (e), the Department
26 of Finance shall not reduce a county's base-year
27 remittance requirement, as specified in paragraph (2) of
28 subdivision (b), if the county's trial court funding
29 allocation was modified pursuant to the amendments to
30 the allocation formula set forth in paragraph (4) of
31 subdivision (d) of Section 77200, as amended by Chapter
32 2 of the Statutes of 1993, to provide a stable level of
33 funding for small county courts in response to reductions
34 in the General Fund support for the trial courts.

35 (g) In any fiscal year in which a county of the first class
36 pays the employer-paid retirement contribution for court
37 employees, or any other employees of the county who
38 provide a service to the court, and the amounts of those
39 payments are charged to the budget of the courts, the
40 sum the county is required to pay to the state pursuant to

paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

(h) This section shall become operative on July 1, 1999.

SEC. 6. Section 77201.3 is added to the Government Code, to read:

77201.3. (a) The Legislature finds and declares that the delay until July 1, 1998, in adjusting county obligation payments as provided by subdivision (c) of Section 77201, has created a one-time negative fiscal impact to certain counties and shall be mitigated over a multi-year period, except as provided, pursuant to this section.

(b) Except as provided by subdivision (c), for each fiscal year for a five-year period commencing with the 1999–2000 fiscal year, a county identified in this subdivision may reduce the amount it was required to remit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1, by an amount not to exceed 20 percent of the amount identified for that county, as follows:

Jurisdiction	Amount
Alameda	\$ 5,077,229
Contra Costa	2,251,310
El Dorado	196,769
Fresno	771,280
Humboldt	214,636
Kern	1,902,508
Kings	280,791
Los Angeles	19,028,623
Madera	16,581
Marin	84,372
Merced	345,600
Monterey	362,953
Orange	8,548,467
Placer	2,008,790

1	<i>Riverside</i>	1,626,433
2	<i>Sacramento</i>	2,874,779
3	<i>San Diego</i>	3,496,316
4	<i>San Francisco</i>	151,739
5	<i>San Joaquin</i>	565,159
6	<i>San Luis Obispo</i>	91,727
7	<i>San Mateo</i>	194,426
8	<i>Santa Clara</i>	400,508
9	<i>Santa Cruz</i>	379,468
10	<i>Shasta</i>	362,517
11	<i>Solano</i>	183,853
12	<i>Sonoma</i>	165,163
13	<i>Stanislaus</i>	1,630,883
14	<i>Sutter</i>	939,161
15	<i>Tulare</i>	405,789
16	<i>Ventura</i>	445,303

17

18 *(c) On or before January 15, 1999, the Department of*
19 *Finance shall determine if it is feasible to reduce from the*
20 *amount counties are required to remit to the state for the*
21 *1999–2000 fiscal year, pursuant to paragraph (1) of*
22 *subdivision (b) of Section 77201.1, the entire amount in*
23 *subdivision (b) for each specified county.*

24 *(1) If the Department of Finance determines that it is*
25 *feasible to allow for the full reduction of the amounts in*
26 *subdivision (b) in the 1999–2000 fiscal year, then (A) the*
27 *amounts identified in subdivision (b) shall be evenly*
28 *credited to the payments in the 1999–2000 fiscal year that*
29 *counties identified in subdivision (b) are required to*
30 *remit to the state pursuant to paragraph (1) of*
31 *subdivision (b) of Section 77201.1, and (B) subdivision*
32 *(b) shall no longer be operative.*

33 *(2) If the Department of Finance determines that it is*
34 *not feasible to allow for the full reduction of the amounts*
35 *in subdivision (b) in the 1999–2000 fiscal year, then the*
36 *department shall establish and conduct an appeal process*
37 *for any county listed in subdivision (b) for which the 20*
38 *percent reduction over a five-year period pursuant to*
39 *subdivision (b) would significantly contribute to extreme*
40 *financial hardship on the county. The appeal process shall*

1 permit any county listed in subdivision (b) to submit a
2 written appeal to the department, no later than February
3 15, 1999, that sets forth the circumstances that would
4 make the provisions of subdivision (b) financially
5 unfeasible and significantly contribute to extreme
6 hardship for the applicant county. The department shall
7 complete its review and make a final decision concerning
8 all applications no later than April 1, 1999. The decision
9 of the department shall be final and not be subject to
10 further appeal. A written copy of the decision shall be
11 provided to the affected county and to the chairs of the
12 fiscal committees of the Legislature.

13 If the department finds that the 20 percent reduction
14 over a five-year period would cause extreme financial
15 hardship on the county submitting an appeal, then the
16 full amount for that county specified in subdivision (b)
17 shall be evenly credited to the payments in the 1999–2000
18 fiscal year that the county was required to remit to the
19 state pursuant to paragraph (1) of subdivision (b) of
20 Section 77201.1.

21 (d) For purposes of determining whether a county
22 would suffer extreme financial hardship pursuant to
23 paragraph (2) of subdivision (c), the criteria considered
24 by the Department of Finance shall include, but not be
25 limited to, whether the applicant county had:

26 (1) Below average statewide growth in general
27 purpose revenue.

28 (2) Below average statewide growth in property tax
29 assessed valuation.

30 (3) Above average statewide unemployment rate.

31 (4) Above average statewide growth in program
32 expenditures.

33 (5) Extraordinary local costs caused by natural
34 disasters.

35 (6) Current finding of financial distress from the
36 Commission on State Mandates with regard to the
37 general assistance program under Section 17000 of the
38 Welfare and Institutions Code.

39 (7) Other criteria, as determined by the department,
40 which demonstrates financial hardship.

1 (e) Under no circumstance shall the total reduction
2 for a county pursuant to this section exceed the amount
3 identified for that county in subdivision (c). Pursuant to
4 subdivision (a), the above amounts are intended to
5 mitigate the one-time negative fiscal impact to specified
6 counties as a result of subdivision (e) of Section 77201 and
7 are not subject to appeal. Further, this section shall not
8 apply to any county whose remittance to the state under
9 paragraph (1) of subdivision (b) of Section 77201.1, was
10 zero in the 1999–2000 fiscal year.

11 (f) It is the intent of the Legislature that support for
12 state trial court funding not be impacted as a result of this
13 section.

14 (g) This section shall be repealed on January 1, 2006.

15 SEC. 7. Section 77212 of the Government Code is
16 amended to read:

17 77212. (a) The State of California, the ~~Counties~~
18 counties of California, and the ~~Trial Courts~~ trial courts of
19 California, recognize that a unique and interdependent
20 relationship has evolved between the courts and the
21 counties over a sustained period of time. While it is the
22 intent of this act to transfer all fiscal responsibility for the
23 support of the trial courts from the counties to the State
24 of California, it is imperative that the activities of the
25 state, the counties, and the trial courts be maintained in
26 a manner that ensures that services to the people of
27 California not be disrupted. Therefore, to this end, during
28 the 1997–98 fiscal year, commencing on July 1, 1997,
29 counties shall continue to provide and courts shall
30 continue to use, county services provided to the trial
31 courts on July 1, 1997, including, but not limited to:
32 auditor/controller services, coordination of telephone
33 services, data-processing and information technology
34 services, procurement, human resources services,
35 affirmative action services, treasurer/tax collector
36 services, county counsel services, facilities management,
37 and legal representation. These services shall be provided
38 to the court at a rate that shall not exceed the costs of
39 providing similar services to county departments or
40 special districts. If the cost was not included in the county

base pursuant to paragraph (1) of subdivision (b) of Section 77201 or was not otherwise charged to the court prior to July 1, 1997, and were court operation costs as defined in Section 77003 in the 1994-95 fiscal year~~1994-95~~, the court may seek adjustment of the amount the county is required to submit to the state pursuant to ~~paragraph (2) of subdivision (e) of~~ Section 77201.

(b) In ~~the 1998-99 fiscal year1998-99~~ commencing on July 1, 1998, and thereafter the county may give notice to the court that the county will no longer provide a specific service except that the county shall cooperate with the court to ensure that a vital service for the court shall be available from the county or other entities that provide such services. The notice must be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year.

(c) In ~~the 1998-99 fiscal year1998-99~~, commencing on July 1, 1998, and thereafter, the court may give notice to the county that the court will no longer use a specific county service. The notice shall be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year. However, for three years from the effective date of this section, a court shall not terminate a service that involved the acquisition of equipment, including, but not limited to, computer and data-processing systems, financed by a long-term financing plan whereby the county is dependent upon the court's continued financial support for a portion of the cost of the acquisition.

SEC. 8. Section 100 of the Welfare and Institutions Code is amended to read:

100. The Judicial Council shall establish a planning and advisory group consisting of appropriate professional and program specialists to recommend on the development of program guidelines and funding procedures consistent with this chapter. At a minimum, the council shall adopt program guidelines consistent with the guidelines established by the National Court Appointed Special Advocate Association, and with California law; *but* the council may require additional or

1 more stringent standards. State funding shall be
2 contingent on a program adopting and adhering to the
3 program guidelines adopted by the council.

4 The program guidelines adopted by the council shall be
5 adopted and incorporated into local rules of court by each
6 participating superior court as a prerequisite to funding
7 pursuant to this chapter.

8 The council shall adopt program guidelines and criteria
9 for funding which encourage multicounty CASA
10 programs where appropriate, and shall in no case provide
11 for funding more than one program per county.

12 The council shall establish in a timely fashion a
13 request-for-proposal process to establish, maintain, or
14 expand local CASA programs, upon application of a board
15 of supervisors, and require local matching funds or
16 in-kind funds equal to the proposal request. The
17 maximum state grant per county program per year shall
18 not exceed ~~twenty thousand dollars (\$20,000)~~ *thirty-five*
19 *thousand dollars (\$35,000) in counties in which the*
20 *population is less than 700,000 and shall not exceed fifty*
21 *thousand dollars (\$50,000) in counties in which the*
22 *population is 700,000 or more, according to the annual*
23 *population report provided by the Department of*
24 *Finance.*

25 *SEC. 9. This act is an urgency statute necessary for the*
26 *immediate preservation of the public peace, health, or*
27 *safety within the meaning of Article IV of the*
28 *Constitution and shall go into immediate effect. The facts*
29 *constituting the necessity are:*

30 *In order to ensure an orderly transition to state trial*
31 *court funding and enough funding to support*
32 *appropriations contained in the 1998 Budget Act for the*
33 *purpose of supporting the administration of justice*
34 *throughout the State of California, it is necessary that this*
35 *act go into effect immediately.*

36 ~~68650) is added to Title 8 of the Government Code, to~~
37 ~~read:~~

38

CHAPTER 2.1. ~~TRIAL COURT PERSONNEL~~

~~68650. The Legislature finds that the Judicial Council has adopted Rules 2201 to 2210, inclusive, of the California Rules of Court, which create a mechanism for setting the terms and conditions of employment between a trial court or its representatives and the personnel of the trial court or the representatives thereof. Notwithstanding any other provision of law, these rules shall be given full force and effect, and shall be maintained as adopted by the Judicial Council on April 23, 1997.~~

~~68651. Nothing in this chapter shall prohibit the superior court or the municipal court from adopting rules and procedures on the implementation of its labor relations with a recognized employee organization, provided the rules and procedures are not contrary to, or inconsistent with, the obligations and duties of the courts as provided in this chapter and Rules 2201 to 2210, inclusive, of the California Rules of Court.~~

~~68652. Where the language of Rules 2201 to 2210, inclusive, of the California Rules of Court is the same or substantially the same as that contained in Sections 3500 to 3510, inclusive, it shall be interpreted and applied in accordance with judicial interpretations of the same language.~~

~~68653. This chapter and Rules 2201 to 2210, inclusive, of the California Rules of Court shall not impair the rights and remedies granted to court employees under Chapter 10 (commencing with Section 3500) of Division 4 of Title 4.~~

~~68654. Except as required pursuant to Section 5 of Article VI of the California Constitution, any agreements reached pursuant to negotiations held pursuant to Rules 2201 to 2210, inclusive, of the California Rules of Court are binding on the parties and may be enforced pursuant to Section 1085 or 1103 of the Code of Civil Procedure. In the event that a court, a court employee, or an employee organization believes there has been a violation of this chapter or Rules 2201 to 2210, inclusive, of the California~~

1 ~~Rules of Court, that party may petition the court of appeal~~
2 ~~for relief.~~

3 ~~68655. It is the purpose of this chapter to effectuate~~
4 ~~the establishment within the judicial branch of an~~
5 ~~equitable and effective method of resolving potential~~
6 ~~conflicts in matters affecting the interests of the trial~~
7 ~~courts and their personnel, and meeting the ongoing~~
8 ~~needs of the trial courts, their personnel, and the~~
9 ~~harmonious operations thereof.~~

10 ~~SEC. 2. This act shall become operative only if~~
11 ~~Assembly Bill 1110 is enacted and takes effect on or before~~
12 ~~January 1, 1998.~~

